

## CHAPTER 140 Institutional Special Police Officers

<b>140.01</b>	<b>Definitions.</b>	<b>140.09</b>	<b>Badge; termination of employment.</b>
<b>140.02</b>	<b>License required.</b>	<b>140.10</b>	<b>Institutional special police officer not to qualify for police benefits.</b>
<b>140.03</b>	<b>Application for license.</b>		
<b>140.04</b>	<b>Requirements for institutional special police officer license.</b>	<b>140.11</b>	<b>Oath required.</b>
<b>140.05</b>	<b>Issuance of license; expiration.</b>	<b>140.12</b>	<b>Suspension/revocation of license.</b>
<b>140.06</b>	<b>Insurance required.</b>	<b>140.99</b>	<b>Penalty.</b>
<b>140.07</b>	<b>Reports to police required.</b>		
<b>140.08</b>	<b>Powers and duties of institutional special police officers.</b>		

### **140.01 DEFINITIONS.**

As used in this chapter:

- (a) "Institution" means an educational or medical facility.
- (b) "Institutional special police officer" means a person who has all the following characteristics:
  - (1) Is licensed by the City of Springfield;
  - (2) Is commissioned with the power of arrest by the City of Springfield;
  - (3) Is employed directly by an institution, and is not employed by, or has his or her services provided to the institution by any agency or security guard provider as defined in Ohio Revised Code Section 4749.01;
  - (4) Has the authority to carry or wear a firearm while employed by and performing any of the following duties and functions while on the premises of the employing institution:
    - A. Investigating matters pertinent to the function or mission of the institution;
    - B. Protecting persons on the premises of the institution;
    - C. Protecting the property of the institution;
    - D. Enforcing the rules and regulations of the institution relating to the safety and protection of persons and property.

### **140.02 LICENSE REQUIRED.**

- (a) No person shall perform any service as an institutional special police officer within the City without first obtaining and maintaining in full force and effect a valid institutional special officer license.

(b) No person shall wear an institutional special police officer badge, or represent or hold himself/herself out to be an institutional special police officer unless he/she is duly licensed as such by the City.

#### **140.03 APPLICATION FOR LICENSE.**

(a) Every person desiring to perform the duties of an institutional special police officer shall submit an application for the license to the Chief of Police, on a form provided for that purpose. The applicant shall answer all questions in the application, and shall include the name and address of the institution by which they are employed.

(b) Upon receipt of the application, the Chief of Police shall cause to be made such investigation of the applicant as is necessary to determine whether the applicant meets the requirements set forth in this chapter.

#### **140.04 REQUIREMENTS FOR INSTITUTIONAL SPECIAL POLICE OFFICER LICENSE.**

An applicant for the initial issuance or renewal of an institutional special police officer license shall meet the following requirements. The determination as to whether an applicant meets all such requirements shall be within the sound discretion of the Chief of Police; all such decisions of the Chief shall be final.

- (a) Be an American citizen or a person who has been granted permanent residency by the U.S. Immigration and Naturalization Service, and be able to speak and read the English language;
- (b) Be twenty-one (21) or more years of age;
- (c) Be employed directly by an institution as defined in Section 140.01(a);
- (d) Be in sound physical condition, have good eyesight, and not subject to any infirmity, defect or disorder of mind or body which might reasonably render him or her unfit for the safe carrying out of the duties of an institutional special police officer, as determined by the Chief of Police from all reliable medical, psychological, or health information supplied by the applicant or other persons concerning the applicant's physical or mental condition. Where such facts indicate that an applicant is suffering from any such infirmity, defect or disorder of mind or body, the Chief of Police may require the applicant, at his or her expense, to be examined by a licensed physician, psychologist, or psychiatrist and to submit such physician's, psychologist's, or psychiatrist's written report of such examination to the Chief for use in determining the applicant's fitness.
- (e) Possess a training certification from an Ohio Peace Officer's Training Council approved school indicating successful completion of the basic police school, including a satisfactory firearms range qualification score on a practical pistol course with a service firearm.
- (f) In the case of an applicant for renewal of an institutional special police officer license, he or she shall submit with the application for renewal, a certificate issued within the previous twelve (12) months from a qualified range instructor certifying that the applicant has satisfactorily re-qualified with his service firearm.
- (g) Shall not have been convicted of, pled guilty to, or forfeited bond for any of the following within the last twenty (20) years:
  - (1) Any offense constituting a felony;

- (2) A misdemeanor involving public disorder, violence, theft or public indecency;
- (3) Two (2) or more misdemeanors, other than minor misdemeanors, neither of which involve public disorder, violence, theft, or public indecency.

#### **140.05 ISSUANCE OF LICENSE; EXPIRATION.**

(a) Upon approval of the application, the Chief of Police shall issue a license to the applicant authorizing that person to perform the duties of an institutional special police officer.

(b) All licenses shall expire on December 31 of each year, unless sooner revoked.

(c) All applications for renewal of licenses must be filed with the Chief of Police no sooner than October 1st or later than November 30th of each year.

#### **140.06 INSURANCE REQUIRED.**

(a) Every applicant for an institutional special police officer license shall, prior to the license being issued, submit proof that the institution by which he or she is employed has comprehensive general liability insurance coverage in such form as is satisfactory to the Chief of Police, but not less than one hundred thousand dollars (\$100,000.00) for each person and three hundred thousand dollars (\$300,000.00) for each occurrence for bodily injury and personal injury liability, and one hundred thousand dollars (\$100,000.00) for property damage liability and naming the City and its officers and employees as additional insured parties in any claim arising out of the applicant's activities as an institutional special police officer. The policy shall remain in full force and effect during the entire licensing period.

(b) The policy shall provide, in addition to the aforesaid provisions, that no notice of any acts creating any liability thereunder will be required from the City; that the policy shall not be cancelled before ten (10) days written notice of intention so to cancel has been given to the Chief of Police; and that the policy shall not be revokable, but shall remain in full force and effect until ten (10) days have elapsed from the date of service of the written notice.

(c) The policy shall be renewed annually to the satisfaction of the Chief of Police.

#### **140.07 REPORTS TO POLICE REQUIRED.**

(a) Every institution shall notify the Chief of Police in writing of the hiring or termination, within ten (10) days thereof, of any employee performing service as an institutional special police officer.

(b) Any property found or recovered by any institutional special police officer shall be reported to the Chief of Police immediately. The institution shall make available to the Chief of Police upon demand records of property found or recovered by such institutional special police officer. Any misconduct of any institutional special police officer shall be reported to the Chief of Police immediately. In the event misconduct of an institutional special police officer is known to the person in charge of an institution, such person must submit a report immediately to the Chief of Police; and, if necessary, appear and bring action against the institutional special police

officer. Failure to comply with the submission of any information as provided for herein shall be deemed a violation of this Section and considered as just cause to revoke the license of the institutional special police officer.

(c) If an institutional special police officer engages in improper conduct and this conduct is known to a City police office, the police officer shall report such conduct to his or her commanding officer, who shall take the proper action and submit a report which will be forwarded to the Chief of Police and then, in turn, to the person in charge of the institution.

#### **140.08 POWERS AND DUTIES OF INSTITUTIONAL SPECIAL POLICE OFFICERS.**

The powers and duties of all persons licensed under this Chapter shall be as follows:

- (a) To obey the orders of the Chief of Police;
- (b) To be permitted to carry arms and have the power of arrest only when on duty and in the scope of his or her employment for the institution by which he or she is employed, and then only in compliance with Ohio Revised Code Section 2923.12;
- (c) To obey and comply with all rules and regulations for institutional special police officers as set forth by the Chief of Police;
- (d) When on duty and within scope of his or her employment an institutional special police officer:
  - (1) Must work in a uniform that is approved as to color and style by the Chief of Police;
  - (2) Must wear a shoulder patch on the left sleeve, bearing the name of the institution by whom employed, the color and design to be approved by the Chief of Police;
  - (3) Must wear the institutional special police officer badge issued by the institution, and approved by the Chief of Police, on the left breast of the outer most garment;
  - (4) May drive a vehicle in the course of his or her employment only after the color, equipment, and apparatus have been approved by the Chief of Police.
- (e) An institutional special police officer who notifies the Police Division of the commission of a crime shall not, after such notification, conduct an investigation into the matter without the consent of the Police Division. During an investigation of any crime, the Police Division reserves the right to stop an institutional special police officer from investigating or interfering in any way with the Police Division.
- (f) No institutional special police officer shall fail to comply with any of the provisions of this Section.

#### **140.09 BADGE; TERMINATION OF EMPLOYMENT.**

(a) At the time of appointment as an institutional special police officer, a badge shall be issued by the institution. Upon termination of employment as an institutional special police officer, no such institutional special police officer shall fail to surrender the badge to the institution within five (5) days after such termination.

(b) Upon termination of employment as an institutional special police officer, it shall be the joint responsibility of the officer and the institution by whom he or she is

employed to report such termination to the Police Division.

**140.10 INSTITUTIONAL SPECIAL POLICE OFFICER NOT TO QUALIFY FOR POLICE BENEFITS.**

Any police service rendered as an institutional special police officer shall not qualify such person or assist to qualify such person in any way for participation in any of the emoluments, privileges, or benefits of the Police and Firemen Disability and Pension Fund, or any of the benefits or emoluments received by City police officers or other employees of the City.

**140.11 OATH REQUIRED.**

Before commencing the duties of an institutional special police officer, every person so appointed shall take and subscribe to an oath of affirmation similar to the oath or affirmation administered to the police officers of the City, which oath or affirmation shall be filed and kept in the office of the Chief of Police.

**140.12 SUSPENSION/REVOCAION OF LICENSE.**

The Chief of Police shall have the right and authority to suspend or revoke any license issued under the provisions of this Chapter for any of the following reasons:

- (a) If such licensee has violated any of the provisions of this Chapter;
- (b) If such licensee is convicted of any offense specified in Section 140.04(g), except minor traffic violations;
- (c) If such licensee violates any of the rules and regulations for institutional special police officers as set forth by the Chief of Police;
- (d) If such licensee displays an institutional special police officer badge issued by the City in any employment as an institutional special police officer outside the corporate limits of the City;
- (e) If such licensee's physical or mental condition becomes such as to render him or her unfit for the safe carrying out of the duties of an armed institutional special police officer, as determined by the Chief of Police using the criteria set forth in Section 140.04(d).

**140.99 PENALTY.**

A violation of the provisions of Sections 140.02(a) or (b), 140.08(f), or 140.09(a) shall constitute a misdemeanor of the fourth degree, punishable as provided in Section 501.99, and each day such violation is continued shall constitute a separate offense. (Ord. 92-253. Passed 8-11-92.)